

Appl. No. 10/612,548
Amdt. Dated June 21, 2005
Reply to Office Action of 3/30/2005

REMARKS

Claims 1-20 and 22 are currently pending. Claims 1-12 are allowed. Claims 13, 14 and 22 are herein amended. As noted in the Office Action Response filed Jan. 12, 2005, claim 21 was withdrawn and cancelled.

Claim 22 is objected to because of the inconsistent subject matter with independent claim 13. The Applicant herein amends claim 22 to be an apparatus claim, and reconsideration of claim 22 is therefore respectfully requested.

Applicant wishes to thank the Office the thorough office action and allowance of the claims 1-12. The arguments and amendments herein should place all claims in condition for allowance.

Claims Rejections - 35 USC §102(b)

Claims 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokomachi et al. (U.S. Pat. No. 5,483,608). A rejection based on anticipation requires that a single reference teach every element of the claim (MPEP § 2131). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Or stated in another way, a "claim is anticipated only if each and every element as set forth in the claim is found, . . . described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Applicant traverses this rejection. In addition, the Applicant has amended the claims to more distinctly define the claimed invention.

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In Yokomachi, an actuator 19 is used for switching the optical fibers, and as explained in the specification (row 8, col. 38-42) and figures (Fig.3 and Fig.4), the actuator 19 driven by coil 19a is moved up-down to push the elevating stage. However, in the present application, wherein the motor assembly rotates and provides a push/pull torque that drives the push/pull spring to push/pull the platform the push/pull spring, and then the push/pull spring pushes or pulls the platform to the stowed or deployed positions. Yokomachi never disclosed this kind of rotating motor providing such a torque, so the Applicant herein amends claims 13 and 14 to clearly distinguish the claimed invention from Yokomachi.

In addition, it should be noted that in Yokomachi, the permanent magnet portion 19c is a movable element and does not describe having such a function as the hard stop in the present specification. A hard stop is a fixed component to stop the movement of the platform, but the permanent magnet portion 19c in Yokomachi is used for pushing the elevating stage and is drawn by the actuator 19. Hence, the permanent magnet portion 19c in Yokomachi is not a fixed component and cannot function as a hard stop to anticipate the present application.

Further, in Yokomachi, the elastic body 32 is used as a buffer or shock absorber between the elevating stage and the permanent magnet portion, which is described in specification (row 16, col. 38-40 and 11-14) and figures (Fig.15, 16, 19, 20, 28 and 29). The elastic body 32 is never used as a push/pull spring in Yokomachi, so it cannot be used to anticipate the present application. In addition, when the actuator 19 and permanent magnet portion 19c move downward, they do not pull the elastic body 32 down simultaneously. The elastic body 32 and the elevating stage 22 merely fall down by gravity (Fig.15, 19 and 28), so the elastic body 32 does not function as a push/pull spring.

Claims 13 and 14 of the present application are independent claims. The amendment of claims 13 and 14 makes the present application more distinctly different from Yokomachi. Reconsideration of claims 13 and 14 is respectfully requested, and reconsideration of claims 15-

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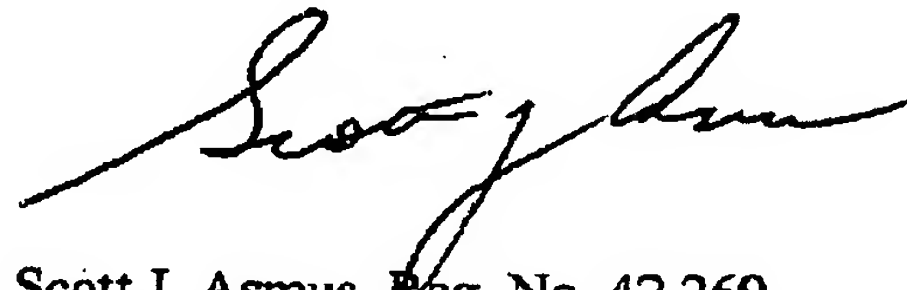
20 and 22, which depend on claims 13 and 14, is therefore also requested. As noted, claims 1-12 are allowed.

Telephone Interview

Present Office policy places great emphasis on telephone interviews initiated by the examiner. For this reason, it is not even necessary for an attorney to request a telephone interview. However, Applicant would greatly appreciate the opportunity for a telephone interview and feels the call will be beneficial to advance prosecution of the application. MPEP§408.

Applicant believes the above amendments and remarks to be fully responsive to the Office Action, thereby placing this application in condition for allowance. No new matter is added. Applicant requests speedy reconsideration, and further requests that Examiner contact its attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

Respectfully submitted,



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